

BEFORE THE
POSTAL REGULATORY COMMISSION
WASHINGTON, DC 20268

In the Matter of:

Participant Reply Brief in Response to Answering Brief
McCallsburg Post Office
McCallsburg, Iowa 50154

Docket No: A2012-86

MCALLSBURG COMMENTS IN RESPONSE REGARDING USPS ANSWERING BRIEF
(February 7, 2012)

The United States Post Office (USPS) filed an Answering Brief on January 23, 2012, in response to the Petitioner's Form 61 filed on January 3, 2012. In the answering brief, the USPS has attempted to rebut the documentation of the myriad of errors committed by the USPS, as detailed in the Petitioner's Form 61. The Petitioner stands wholly behind all of the information the Petitioner has submitted to the PRC.

The Petitioner could again submitted a 17-page document rebutting the USPS's claims outlined in the January 23rd document, instead, the Petitioner will let the original Form 61 stand on its own, and only address the most egregious claims of the USPS in their answering brief.

McCallsburg Response to Background Section, Pages 2-5

1. The USPS states that, "...a noncareer postmaster relief employee has been installed to operate the McCallsburg Post Office. Item No. 33, Proposal, at 9." However, the truth is that a career postmaster has been installed as the OIC in McCallsburg. And, the USPS references Item No. 33 as the source of this information, however, this information is not stated in Item 33, at 9, nor anywhere else in the administrative record. The Petitioner is highlighting how the USPS continues to submit false and misleading information concerning the McCallsburg, Iowa, Post Office.
2. The USPS has reported revenue units for the three previous fiscal years in their answering brief, however, there are inconsistencies in these numbers in the administrative record. In footnote 2 the USPS contends that inconsistencies do not weaken the basis for the Final Determination. However, McCallsburg feels that the Final Determination should be based only on accurate data, which should be readily available in the administrative record. One should not be left in a position of trying to determine which information is correct, and which is incorrect.
 - a. The USPS calls the Form 4920, Item No. 18, at 1, as a 'Fact Sheet'. The Petitioner finds the naming of this document as a 'fact sheet' to be absurd since the document is riddled with errors as stated in the previous participant statement. Form 4920 has not been updated throughout the entire discontinuance process even though the Petitioner has repeatedly pointed out errors.

3. The USPS states that the Roland Post Office is an EAS-13, and references Item No. 33, Proposal, at 2. However, upon checking on Item No. 33, Proposal, at 2, it is clear that the USPS has actually stated Roland is an EAS-15. Furthermore, Item No. 18, at 1, the USPS has failed to list an EAS level. . The Petitioner is highlighting how the USPS continues to submit false and misleading information concerning the McCallsburg, Iowa, Post Office.
4. In footnote 7, the USPS contends that the additional workload added to Roland from McCallsburg would amount to only 15 minutes of workload. How did the USPS come up with this workload estimate? Is the current workload of McCallsburg only 15 minutes a day? Where can a citizen find this information?
5. Footnote 8 alleges that the significant number of USPS violations of Handbook PO-101, as outlined in previous Petitioner documents, do not address the ultimate issue of the viability of the Final Determination. The Petitioner still feels strongly that the USPS has filled the administrative record with inaccurate and misleading information, and a Final Determination based on such information is incorrect.
6. The USPS states that a Congressional inquiry from Senator Grassley is included in the administrative record. While Senator Grassley's letter is in the electronic version of the administrative record, it is NOT in the administrative record posted in the McCallsburg Post Office. McCallsburg feels that the administrative record should be consistent, no matter the posting location.
7. In footnote 12 the USPS alleges that the concerned customers had the opportunity to correct inaccuracies in the summary after the posting of the Proposal and Final Determination. McCallsburg citizens DID point out that the USPS failed to accurately capture the questions and concerns raised at the June 15 public meeting in their letters, Item 22. And, the Petitioner sent a September 6 letter, again, pointing out inaccuracies and absent information. However, the USPS failed to respond to any of the actions undertaken and information provided by concerned citizens. And, the USPS even failed to include the September 6 letter in the official record, until the Petitioner sent a Certified letter to Karen Lenane of the Hawkeye District, containing proof that the letter was delivered in the appropriate timeframe, and demanded that it be included in the official record. The citizens of McCallsburg are appalled at the USPS's attitude that it is the citizens' job to know the USPS policies and procedures (PO-101) and be responsible for correcting the USPS' official record/administrative record.
 - a. Furthermore, the letters mentioned above were not given Item numbers. Only the electronic version of the administrative record contains the letters by page number. The first letter sent to the USPS concerning the discontinuance study, dated September 6, 2011 is page 389/540. The Petitioner's November 3rd letter to Karen Lenane of the Hawkeye District concerning the absence of the September 6 letter in the official record, is page number 399/540.
8. The Petitioner takes issue with information provided by the USPS in footnote 16. The Petitioner feels that the USPS is attempting to evade the plain language in the June 8, 2011 letter from PRC Chairman Ruth Y. Goldway to Postmaster Donahoe, where Chairman Goldway states the USPS appears to be already engaged in a nationwide change in service without prior notification to the Commission as title 39 requires. The Petitioner still believes that because the review of the McCallsburg Post Office was initiated during this questionable period that the USPS's continued plot to close the McCallsburg Post Office is improper.

McCallsburg Response to Effect of Postal Services Section, Pages 5-11

9. The USPS contends that Item 33, at 3-4, loss of a local Post Office and switching to a rural carrier may ultimately be an advantage to those customers served. However, in Item 33, at 7, the USPS listed the conveniences associated with a rural carrier as being disadvantages. Which is it USPS – are they conveniences or disadvantages?
 - a. The USPS alleges that a customer can ask the rural carrier, “...to sound the horn when the carrier approaches the customer’s address.” The Petitioner finds this idea to be completely ludicrous. How will elderly people hear a horn coming down the street and then ‘run’ out to meet the carrier? Won’t the honking be disruptive to the school? If CBUs are placed in McCallsburg the rural carrier will not travel up and down the streets to honk at residents who might want service – so will the rural carrier drive up and down all the streets in the municipality, honking?
 - b. In the USPS’s answering brief, Item 33, at 3, is referenced, however, this item is not even present in the electronic version of the administrative record.
10. The USPS has given differing information on pickup of parcels weighing more than 13 ounces. In the USPS Answering Brief, the USPS says that a rural carrier is permitted to pick up a package weighing 13 ounces or more. However, in doing so, the USPS quotes Item No. 25, at 2, which states a carrier CANNOT pick up a parcel weighing 13 ounces or more. (Refer to the complete responses in Item 25, at 2, to items #10 and #15.s) The Petitioner is highlighting how the USPS continues to submit false and misleading information concerning the McCallsburg, Iowa, Post Office.

McCallsburg Response to Effect Upon the McCallsburg Community, Pages 11-14

11. Footnote 19 again highlights the lack of USPS-provided consistent data in the administrative record. How can our community be assured that the Final Determination reached by the USPS is correct after they only analyzed the ‘correct’ information in the administrative record, when there is no discernable indication/markings of ‘correct’ vs. ‘incorrect’ information in the administrative record?
12. The USPS cites Item 33, Proposal, at 8, as proof that a discontinuance of service will not have an adverse effect on businesses in the community. However, a thorough read of Item 33, at 8, response #5, shows that the USPS has incorrectly stated that service in McCallsburg has already been suspended. No such suspension of services has occurred in McCallsburg. The Petitioner is highlighting how the USPS continues to submit false and misleading information concerning the McCallsburg, Iowa, Post Office.
13. The USPS continues to allege that there has been minimal growth in McCallsburg in recent years. However, the USPS has failed to document where this data came from or how current it is. Whereas, the Petitioner cites the United State of America census data, which clearly proves McCallsburg’s population growth has outpaced the State of Iowa. McCallsburg grew by 4.7%, 2000-2010, whereas the State of Iowa grew by 4.1% in the same time period.

McCallsburg Response to Economic Savings, Pages 14-18

14. The USPS alleges that if CBUs are employed in McCallsburg, that the USPS will incur approximately \$6,000 for the CBUs. Nowhere in the administrative record has the USPS previously listed the cost of CBUs. If the \$6,000 cost of the CBUs is taken into consideration, as well as the landlord's generous offer to provide the current location rent-free (\$6,480 annually) if the Post Office would remain open, the real cost savings attributed to closing the McCallsburg Post Office are much different than what the USPS contends. As the Petitioner has stated in the past, how can the USPS promote any cost savings in the discontinuance of a Post Office, when the USPS lacks a clear plan for alternative service, and thus, the known associated costs of the mysterious alternate service?
- a. Item 33, at 9, states an annual cost savings of \$34,141 if the McCallsburg Post office is discontinued. However, if you add the cost of CBUs (\$6,000) and subtract the rent (\$6,480) the total annual savings decreases by over 35%.
15. The USPS contends that the 39 U.S.C. § 101(b) must be read in the context of related statutory provisions. We disagree. The Code is very clear "*The Postal Service shall provide a maximum degree of effective and regular postal service to rural areas, communities and small towns where post offices are not self-sustaining. No post office shall be closed for operating at a deficit. It is the specific intent of the Congress that effective postal service be insured to residents of both urban and rural communities.*" (underline and bold emphasis added by author of this document)

McCallsburg Response to Effect on Employees, Pages 18-19

16. Number 1 in this document discusses the inaccurate information provided by the USPS concerning the noncareer postmaster relief employee. Furthermore, Item 18, at 1, and Item 44, at 1, both state that there are no career nor noncareer employees (even though there are employees – one career and one noncareer). How does the USPS explain their contention that they have taken effect on employees into account, when at the same time they contend there are no employees (even though there are employees – one career and one noncareer)?

The USPS alleges that they have followed proper procedures and carefully considered the effects of discontinuing the McCallsburg Post Office, however, the Petitioner has found many inaccuracies in the USPS's administrative and feel the USPS has acted in an arbitrary and capricious manner. The USPS has not thoroughly considered the real facts before making the erroneous decision to close the McCallsburg Post Office. **The citizens of McCallsburg request that the PRC remand the USPS Final Determination to close the McCallsburg, Iowa, Post Office.**

Respectfully submitted,



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